UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

SYSCO COLUMBIA, LLC

Cases 10-CA-197586 and 10-CA-197588 10-CA-203636 10-CA-210623

INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL UNION 509

ORDER DENYING MOTION FOR RECONSIDERATION¹

The Respondent's motion for reconsideration of the Board's Decision and Order reported at 368 NLRB No. 129 (2019) is denied. The Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(c)(1) of the Board's Rules and Regulations.

Dated, Washington, D.C., January 17, 2020.

	John F. Ring,	Chairman
	Marvin E. Kaplan,	Member
(SEAL)	NATIONAL LABOR RELAT	ONS BOARD

¹ Member Emanuel is a member of the panel but did not participate in this decision on the merits.

In New Process Steel, L.P. v. NLRB, 560 U.S. 674 (2010), the Supreme Court left undisturbed the Board's practice of deciding cases with a two-member quorum when one of the panel members has recused himself. Under the Court's reading of the Act, "the group quorum provision [of Sec. 3(b)] still operates to allow any panel to issue a decision by only two members if one member is disqualified." Id. at 688; see also, e.g., NLRB v. New Vista Nursing & Rehabilitation, 870 F.3d 113, 127–128 (3d Cir. 2017); D.R. Horton, Inc., 357 NLRB 2277, 2277 fn. 1 (2012), enfd. in relevant part 737 F.3d 344, 353 (5th Cir. 2013); Somerset Valley Rehabilitation & Nursing Center, 357 NLRB 1866, 1866 fn. 1 (2011), enfd. 725 Fed. Appx. 129, 136 fn. 7 (3d Cir. 2018).